



Department of Energy

Idaho Operations Office
1955 Fremont Avenue
Idaho Falls, ID 83415

August 29, 2016

Benjamin Good
American Civil Liberties Union
125 Broadway Street - 18th Floor
New York, NY 10004

SUBJECT: FOIA Request Response (HQ-2016-00656-F) (ID-2016-01370-F) (OM-PA-16-053)

Dear Mr. Good:

This is in final response to your request for information under the Freedom of Information Act (FOIA), 5 U.S.C. 552a submitted to the Department of Energy Headquarters and recently forwarded to Department of Energy Idaho Operations Office for a response. You asked for:

- policies, standards, and guidance related to prepublication review
- final legal analyses of past, present, or proposed prepublication-review requirements;
- final decisions of officials conducting prepublication reviews;
- correspondence with former agency employees (or their representatives) who have submitted materials for prepublication review since January 1, 2009;
- statistics relating to prepublication review, including but not limited to information documenting the total numbers of individuals who have submitted works for review, the total number of works submitted for review, the total number of submissions approved without change, the total number of submissions returned with proposed redactions or other modifications, the total number of pending submissions, and the duration of prepublication review processes.
- titles, subject matters, and dates of works submitted for prepublication review; and
- information about enforcement proceedings instituted or contemplated on the basis of violations of prepublication-review requirements, including breach-of-contract actions, agency administrative proceedings, and civil or criminal litigation.

A diligent and exhaustive search of the search of the Department of Energy Idaho Operations Office and its contractors has identified neither policies nor guidance to implement a policy of prepublication review nor instances in which such a de facto policy had been implemented.

You may appeal this decision by the Department of Energy pursuant to 10 CFR § 1004.8. The appeal must be made within 30 calendar days of receipt of this letter. The appeal should be sent to the Director, Office of Hearings and Appeals, HG-I, U.S. L'Enfant Plaza Building, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC, 20585-1615.

The written appeal, including the envelope, must clearly indicate that a Freedom of Information Act Appeal is being made. The appeal must contain all the elements required by 10 CFR § 1004.8 to the extent applicable. Judicial review will thereafter be available to you: (1) in the District of Columbia; (2) in the district where you reside; (3) in the district where your principal place of business is located; or (4) in the district where the DOE records are located. If you appeal, please provide me a copy of your appeal.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

I appreciate the opportunity to assist you with this matter. If you have any questions about this correspondence, please contact me at 208-526-5190.

Sincerely,



Clayton Ogilvie